THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.12518 of 2007

Between:

A.Rama Krishna and others. … Petitioners

and

The Government of A.P.,
Rep. by its Principal Secretary and others. … Respondents

ORDER:

It is the case of the petitioners that they purchased plot Nos.2, 3, 4, 5, 6, 7, 8/B and 69(p) through various sale deeds in Sy.No.207 situated at Chandanagar village, Serilingampally Mandal and Municipality, Ranga Reddy District, and they are in possession and enjoyment of the said plots. While so, the District Collector, Ranga Reddy District, issued notification on 21-04-2003 for conducting public auction of the lands in Sy.Nos.174, 236 and 239 of various villages of Serilingampally Mandal including Chandanagar village. The petitioners along with other plot owners of Sy.No.207 filed W.P.No.8402 of 2003 questioning the said Notification alleging that under the guise of the said Notification, the District Collector is trying to sell the lands in Sy.No.207 as well. In the said writ petition, a counter has been filed stating that the said writ petitioners are the plot owners of Sy.No.207, which is a private land and whereas the land in Sy.No.174 is a Government land and, therefore, there was no attempt to dispossess them from Sy.No.207. It is further stated the said Notification was issued to conduct public auction of the lands in Sy.No.174, 236 and 239 only but not Sy.No.207. However, the said writ petition was dismissed on 17-02-2006.

Learned counsel appearing for the petitioners submits that the lands in Sy.No.207 are abutting to Sy.No.174 and the respondents, assuming and presuming that the petitioners made constructions in Sy.No.174, taking steps to dispossess them without following due process of law and without initiating any proceedings under the Land Encroachment Act.

On the other hand, learned Government Pleader appearing for the respondents submits that in fact the land in Sy.No.174 is a Government land and whereas the land in Sy.No.207 is a private land. As both the lands are abutting, the petitioners, who purchased the lands in Sy.No.207, are intending to occupy the Government land in Sy.No.174. When the 3rd respondent resisted such an encroachment, this writ petition has been filed.

In the instant case, the learned counsel appearing for the petitioners submits that the petitioners made constructions only in Sy.No.207 but not in Sy.No.174. On the other hand, the learned Government Pleader appearing for the respondents submits that when the petitioners are not allowed to encroach the land in Sy.No.174, they filed this writ petition. Anyhow, I am of the opinion that this disputed question of fact cannot be decided in this writ petition.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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05-09-2007

Prv